



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 23, 1998

Mr. William M. Toles  
Assistant City Attorney  
Criminal Law & Police Division  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR98-2835

Dear Mr. Toles:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119800.

The Dallas Police Department (the "department") received a request for information relating to a particular vehicle that was impounded on January 22, 1996. You contend that the document responsive to this request is excepted from disclosure under section 552.130 of the Government Code.

Chapter 552 of the Government Code imposes a duty on a governmental body seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten business days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. *See* Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. *See, e.g.*, Open Records Decision No. 150 (1977) (presumption of openness overcome by showing that information is made confidential by another source of law or affects third party interests).

The department received the open records request on August 13, 1998, but you did not request a decision from this office until September 3, 1998, more than ten business days after the department received the request. Thus, the requested document is presumed to be public. However, a section 552.130 claim is compelling and overcomes the presumption of openness.

Section 552.130 requires the department to withhold information that relates to

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

The document at issue contains some information that is excepted from disclosure under section 552.130. We have marked this information accordingly. The department must release the remaining information in the document to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/mjc

Ref: ID# 119800

Enclosures: Marked document

cc: Ms. Olivia Bledsoe  
P. O. Box 541385  
Grand Prairie, Texas 75054  
(w/o enclosures)